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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE: VIOLENCE AGAINST WOMEN

Written statement* submitted by the Asian Legal Resource Centre (ALRC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Rape and police inaction in Sri Lanka

1. Sex, the most beautiful and sacred element of life and creative source of energy, is frequently debased into a tool—a weapon—to defeat, humiliate and destroy Asia's women and children. This form of torture can be found in all areas of society: the family and marriage, schools and colleges, the workplace and religious institutions. Moreover, the police, military and the state—institutions charged with protecting society—are also far too often perpetrators of this form of torture, and agencies that often re-victimise the victim. Although the Sri Lankan government has ratified the Convention Eliminating Discrimination Against Women (CEDAW), no effective action has been taken either to arrest the rising trend in violations of womens' rights and prosecutions of the victims of violence, or to establish systems that will safeguard the honour and dignity of women and children.

2. Many rapes occur in the tea plantation areas of Sri Lanka, however most go unreported for a variety of reasons, including reluctance or refusal on the part of the police to register complaints of rape. The recent tragic case of a young Tamil woman, Miss S. Umadevi, 23, of Nawalapitiya, Imbulpitiya Estate, serves to illustrate. Miss Umadevi was abducted, raped and murdered on 12 September 2001 while on her way home after attending typing class in Nawalapitiya town. Her parents reported her missing to the Nawalapitiya Police on the morning of 13 September, after exhausting all of their own enquiries as to her whereabouts. The father of the victim has stated that the police officer recording the report was abusive and unwilling to assist them. When shown a photograph of the young woman missing, the police officer reportedly replied, "This girl must have gone off with some young man. What are we to do with this photo?" and put it away. That evening, Miss Umavedi's father heard that the corpse of a young woman was found in the shrubland near the Malkanda Bridge. He went to that spot and identified the body as that of his daughter. He informed the police at Nawalapitiya and gave the name of one particular person whom he suspects w as the perpetrator of this crime, but the police have not shown any concern and have so far failed to arrest any suspects. They have also not once visited the victim's home to investigate.

3. Rape cases in these areas also go unreported as victims and relatives have no confidence in obtaining justice from court hearings, and are unwilling to be subject to social pressure and public humiliation in a society that tends to put its blame on the victim. Those cases that are dealt with by the police and courts often result in a failure on the part of the police to conduct impartial investigations and deficiencies in the judicial process that force the victim to relive the traumatic experience of rape in public, effectively raping the victim again.

4. Many cases involve members of the security forces themselves, particularly in civil war conflict areas. For instance, a pregnant woman, Wigikala Nathakumar 22, already with one child, and Sivamani Arjunan, 24, a mother of three, were arrested, raped and tortured by about ten navy or police personnel on 19 March 2001. At 10:30pm the officers entered the private lodge at Uppukulam, Mannar, where the women were staying, and took them in a van to the Special Investigation Unit, Mannar, where they were repeatedly raped and tortured by the officers. Sivamani has testified that, "Two men then pinned me down on the van's floor while another stripped me and raped me. I was screaming and pleading when a policeman put his foot on my mouth to stifle me. Inside the building they forced Wigikala, who was standing naked, to strip my underwear. I was hung upside down by a knot from a pole placed between two tables, with my hands and feet tied. Then the men in the room poked our genitals and tortured us until dawn."

5. In a large number of cases involving rape, murder and other crimes committed by the members of the security forces in the conflict areas, the perpetrators are then transferred to Colombo. This makes it impossible for witnesses to attend hearings, resulting in cases either being indefinitely delayed or the alleged criminals not been convicted. Many members of the security forces are thus allowed to go free for horrendous crimes such as the above because the pressure eases once arrests have been made, irrespective of whether or not the case is actively pursued.

6. The Asian Legal Resource Centre has repeatedly pointed out that the Attorney General of Sri Lanka should be held responsible for all prosecutions. However this responsibility is often neglected, as the Attorney General depends on reports compiled by the police, and if the police do not forward such files, the Attorney General is inactive. To prevent this situation, the Attorney General should ensure that investigations into all crimes proceed in a proper manner. Despite repeated protests, there has been no attempt to correct the defective prosecution system in Sri Lanka. Without reform, rape, murder, torture and impunity will continue. Now is now the time to act to ensure that criminal investigation is independent and transparent, that all perpetrators are arrested quickly and prosecuted using the full force of the law.